S.B. Civil Writ Petition No.6760/2007

Suman Kanwar
vs
Judge, MACT, Parbatsar & Ors.

Date of order : 22.10.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.Devendra Mahlana, for the petitioner.

<><><>

Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order of the Motor Accident Claims Tribunal, Parbatsar dated 21.8.2007 by which the sister of the deceased was impleaded as appellant in the claim petition filed by the petitioner wife of the deceased.

According to learned counsel for the petitioner the sister is not legal heir and, therefore, is not entitled to any claim and, therefore, she could not have been impleaded as party in the claim petition preferred by the petitioner the deceased wife.

It appears that the respondent sister of the deceased submitted that in fact, the petitioner-claimant herself submitted a divorce petition against the deceased in the year 2004 in the court and she submitted that in fact, the applicant-respondent is entitled to claim amount. By impugned order, the rights have not been determined by the Motor Accident

Claims Tribunal of the parties and Motor Accident Claims Tribunal only impleaded one of the person, who is claiming herself to be entitled to compensation as party. If the applicant-respondent has been impleaded as party in the claim petition, still the right of the petitioner is not affected and she can certainly prove that the respondent-applicant is not entitled to any compensation. In this situation, I do not find any reason to interfere in the order passed by the Motor Accident Claims Tribunal.

Hence, I do not find any merit in this writ petition and the same is hereby dismissed.

(PRAKASH TATIA), J.

c.p.goyal/-